

Seipler v. Cundiff, et al.
Case No. 08 CV 50257

Exhibit B

1 IN THE UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF ILLINOIS

3 WESTERN DIVISION

4 ZANE SEIPLER,)
5 Plaintiff,)
6 vs.) No. 08 CV 50257
7 CAPTAIN ANTON CUNDIFF; LIEUTENANT)
8 JOHN MILLER #1431; LIEUTENANT)
9 WILLIAM LUTZ; SERGEANT POPOVITS;)
KATHLEEN SIETH; KEITH NYGREN,)
10 individually and in his official)
capacity as SHERIFF OF McHENRY)
COUNTY; and the COUNTY OF McHENRY,)
Defendants.)

11
12 The deposition of JANET WEECH, called by
13 the Plaintiff for examination, pursuant to notice and
14 pursuant to the Federal Rules of Civil Procedure for
15 the United States District Courts pertaining to the
16 taking of depositions, taken before Sally A. Lavin,
17 Certified Shorthand Reporter, at 550 East Devon
18 Avenue, Suite 150, Itasca, Illinois commencing at
19 2:29 p.m. on the 6th day of December, A.D., 2010.

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1 A. No.

2 Q. What was the data that was submitted to IDOT
3 for 2004 to 2007?

4 A. Records of all traffic stops. That would be
5 traffic citations, warnings, written warnings, and
6 verbal warnings.

7 Q. It was all the traffic stops for each
8 officer?

9 A. It was all traffic stops containing racial
10 profiling information, not all traffic stops, ones
11 that contained the racial profiling information.

12 Q. So whenever a citation was issued?

13 A. If it contained racial profiling
14 information.

15 Q. So are all tickets -- Are there any tickets
16 that are traffic tickets that are issued that do not
17 contain racial profiling information?

18 A. Yes.

19 Q. Like what?

20 A. Generally if a traffic accident is involved.
21 I don't know all the parameters if it was a traffic
22 incident. If it was involved in a traffic stop, the
23 information should be there.

24 Q. What if, for example, it's a type of stop

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1 where the person did not have a valid driver's
2 license?

3 A. I would assume so, yeah. If it was a
4 traffic stop, that's all I know about. I am not a
5 police officer, so I don't do the patrol side. All I
6 have is the records of it. And if the information is
7 on the citation, it's entered and it's transmitted to
8 the State. If it's not there, the State doesn't take
9 the citations that don't contain the racial profiling
10 information or the warnings or --

11 MR. HORWITZ: How do you want to match what she
12 doesn't know in any particular way?

13 MS. BARTON: What do you mean?

14 MR. HORWITZ: What she doesn't know about it is
15 what generates a ticket.

16 MS. BARTON: What she doesn't know is the
17 reason why -- all the reasons that racial profiling
18 information may not have been filled out on the back
19 of a ticket.

20 MR. HORWITZ: Because she doesn't know what would
21 give rise to a ticket.

22 MS. BARTON: Exactly. So when the records
23 department receives the citation, they enter the
24 information into a database, and whatever they are

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1 presented with, whether it has racial profiling
2 information or not. She doesn't know the reason why.
3 I am sure she could provide you with examples of
4 citations that doesn't include racial profiling
5 information.

6 MR. HORWITZ: All right. Fine.

7 BY MR. HORWITZ:

8 Q. What examples of citations that don't
9 include racial profiling information?

10 A. Like I said, the traffic accident, but I
11 don't know all of the situations. I only can tell you
12 I believe it's all traffic stops initiated by the
13 deputies.

14 Q. So theoretically, for example, if an
15 individual -- if there were two individuals involved
16 in a traffic stop and one person did not commit a
17 traffic infraction, the person that did not commit a
18 traffic infraction may not receive a citation. Since
19 that person does not receive a citation, that would
20 not be information attributable to racial profile
21 concerning that person; is that what you mean?

22 A. And the other person who did receive the
23 citation -- if the other person received a citation,
24 racial profiling is not done on those. Those are not

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1 traffic stops. Those are an incident that occurred
2 and the deputy came to -- it occurred prior to the
3 traffic. It's not an officer-initiated stop.

4 Q. Yeah, but that could as well be -- I see
5 what you are saying.

6 But there also could be a ticket given to a
7 person who has a citation?

8 A. Right.

9 Q. In that instance where a ticket is given to
10 that person, is it your statement that since it's not
11 an officer-initiated stop that racial profiling data
12 isn't --

13 A. It isn't required.

14 Q. It's not required.

15 If it's not required, the data is not
16 inputted?

17 A. Right.

18 Q. Is what you are saying --

19 MS. BARTON: It's not inputted where? I object
20 to the form.

21 BY MR. HORWITZ:

22 Q. That information would not be inputted into
23 the technology that's submitted to IDOT?

24 A. Right. If it's not on the citation or the

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1 warning or the stop card or whatever.

2 Q. So what you are saying are officers are not
3 required to fill out racial profiling data with
4 regards to traffic scenarios that do not concern
5 officer initiated stops; is that correct?

6 A. That's correct.

7 Q. Is racial profiling designed, as you
8 understand it, to deal with scenarios where an officer
9 initiates the stop; is that correct?

10 A. That's correct.

11 MR. HORWITZ: I am amazed how it is that
12 depositions can go very smoothly. It's just
13 incredible.

14 MS. BARTON: So is it clear how the information
15 is inputted and then submitted to IDOT?

16 BY MR. HORWITZ:

17 Q. As I understand what Mrs. Weech is saying is
18 that if the traffic stop is not officer initiated,
19 then there is no reason to put racial profiling data
20 information on the back of the ticket. Therefore, in
21 those instances, the data will not be uploaded to
22 IDOT, right?

23 A. That's correct.

24 Q. So would it be accurate to say then that for

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1 all scenarios where officer-initiated stops occur, the
2 data must be -- the data is received by the department
3 members and then uploaded to IDOT?

4 A. If the racial profiling is on the citation
5 or the warning, yeah, the information is then -- they
6 don't -- the -- they don't want the information where
7 racial profiling is not a part of it.

8 Q. And you are not in any way, shape, or form
9 responsible for tracking that officers properly
10 document racial profiling, are you?

11 A. No.

12 Q. What is your job exactly?

13 A. Pardon me?

14 Q. What is your job?

15 A. Records coordinator and civil process
16 coordinator.

17 Q. What does that mean?

18 A. All the sheriffs' records -- I keep track of
19 all the sheriffs' records. That would be all the
20 deputies records, actually -- actual law enforcement
21 records, not administrative records.

22 Q. Why do you keep track of them? Why is it
23 you keep track of them?

24 A. It's required.

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1 actual record. And one of my clerks was -- did very
2 close audits on all of those tickets, too.

3 Q. What do you mean?

4 A. She would look to make sure that everything
5 that she had was entered like one didn't get missed or
6 whatever. She took care of that.

7 Q. If an officer generates multiple tickets
8 with regards to a stop, will all the tickets get put
9 into there?

10 A. Yes.

11 Q. So if an officer generates -- let's say
12 there is a stop and there is a speeding ticket, and in
13 that speeding ticket there is a ticket for I think
14 obstruction of the windshield and a ticket for not
15 having a valid insurance, will all three tickets be
16 submitted to IDOT?

17 A. If they have racial profiling information
18 filled out on the back, the clerks would enter those.
19 If -- On occasion the State has said there were
20 multiple tickets. When I send -- after the ticket is
21 entered into the program, I will take a week's time
22 period or one of my clerks will take a week's time
23 period, and we will convert that data to the State
24 website, and the State will kick back if there is an

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1 error, if -- on the racial profiling. And only the
2 records that contain racial profiling go over and --

3 MS. BARTON: Go over to the State.

4 BY THE WITNESS:

5 A. Go over to the State. Those are the only
6 ones. The program we have -- we have a program that
7 grabs the racial profiling record, the ones with
8 racial profiling to upload to the State. If the
9 State -- when I try to send those over to the State,
10 if there is an error or something within the record,
11 the State will -- won't let the whole batch go and
12 will outline which ones have errors. And we will go
13 back and look at the record and see where the error
14 might be.

15 On occasion when there are multiple tickets
16 and racial profile is done on multiple tickets rather
17 than on just one of the group, it will just -- it will
18 accept all the records and say there were X amount of
19 multiples, meaning that they usually only take one
20 traffic stop for the profiling information. But if
21 the officer put profiling information on more than one
22 ticket within that stop for that individual, the State
23 program recognizes that there should only be one
24 citation for that and kicks it back. That's my

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1 MS. BARTON: Which is what we gave you.

2 MR. HORWITZ: I don't know if it's limited to
3 that.

4 (Discussion off the record.)

5 BY MR. HORWITZ:

6 Q. What is this other database that the
7 department has relative to --

8 A. It's the records management system that all
9 citations are entered into. It's the same database
10 that -- we have another program that takes the racial
11 profiling from to send to the State, but not on all of
12 the records.

13 Q. So what is the database? What does it
14 contain?

15 A. It contains our arrest records, our incident
16 reports, our -- it's our records management system.
17 It's a system that's used.

18 Q. Would it contain all the tickets issued by
19 officers?

20 A. If they were entered into it, yes.

21 Q. Is there a reason why they wouldn't be
22 entered?

23 A. No. The voided wouldn't be entered, the --
24 no. That would be the only ones.

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1 MR. HORWITZ: I would like that. I think we have
2 asked for it in different ways. I mean, we did ask
3 for it in an interrogatory a list of -- for all
4 sheriff's deputies employee identify every traffic
5 stop for the last three years with respect to each,
6 identify the location of the stop, the individual
7 responsible for effecting the stop, the date of the
8 stop, the race -- the race of the individual stopped
9 by the employee, the race of the deputy, whether or
10 not a particular citation was issued, and the basis
11 for the stop. That was an interrogatory. That
12 interrogatory would refer to that. They would not
13 necessarily refer to the IDOT.

14 MS. BARTON: Just to be clear, you are requesting
15 a list or a --

16 MR. HORWITZ: What I would request is all the
17 data from the database that they have.

18 MS. BARTON: From the entire database.

19 MR. HORWITZ: No, that which relates to traffic
20 stops. And it would be every field that exists, every
21 column that you would see in an Excel spreadsheet
22 without limitation.

23 MS. BARTON: For which years?

24 MR. HORWITZ: 2004, 2008.

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1 MS. BARTON: Through 2008?

2 MR. HORWITZ: (Nodding head.)

3 BY MR. HORWITZ:

4 Q. Is that difficult to produce?

5 A. You are asking for all citation records for
6 all traffic stop records for those years. It's just a
7 lot of records.

8 Q. But, I mean, it's all in a database?

9 A. It is in a database.

10 Q. Why would that be a big deal to generate, or
11 would that be a big deal to generate?

12 A. Not everything we have -- Well, we might
13 have a report that I can run. If not, I can have one
14 written.

15 Q. I don't want a report. I just want the
16 data.

17 A. That's what I mean, something that will give
18 you the data.

19 Q. But I want the raw data, not a report.

20 A. You want --

21 Q. Like the Excel spreadsheet is like a raw
22 data.

23 A. That includes every entry on each stop.

24 Q. I am looking for the raw data, not a report,

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1 which is actually on paper, it's not the raw data.

2 What's the name of the software database you
3 guys use?

4 A. It's HTE Crimes. It's a County wide program
5 that we use.

6 Q. Do you know if the data can be exported into
7 an Excel spreadsheet?

8 A. Yes.

9 Q. That's what I want exported into an Excel
10 spreadsheet.

11 A. And all fields.

12 Q. Regarding all traffic stops.

13 A. Stops.

14 Q. So that can be done?

15 A. Yes.

16 Q. It will contain the multiples?

17 A. Yes.

18 Q. How often is that database updated, weekly?

19 A. What do you mean? I am sorry.

20 Q. How often is that database updated?

21 MS. BARTON: Objection to the form. What do you
22 mean, updated?

23 BY MR. HORWITZ:

24 Q. How often is data put into that database?

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